GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted on Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District on 29-12-2013 – Allegations of Corruption – Initiation of Disciplinary Proceedings against Sri P.Mallikarjuna, DCTO, Commercial Tax Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.714 **Dated:27-08-2020**

Read the following:

1. From DG, ACB, Lr.Rc.No.56.DES-NNL/2013, dated 28.01.2016 & 30.06.2016.
2. G.O.Ms.No.238, Revenue (Vig.II) Department, dt.27-08-2020.

******

O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 2nd read above, it is considered necessary to hold an enquiry against Sri P.Mallikarjuna, Deputy Commercial Tax Officer, Commercial Tax Department, Integrated Check Post B.V.Palem, Tada Mandal, SPSR Nellore District under Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri P.Mallikarjuna, Deputy Commercial Tax Officer, Commercial Tax Department, Integrated Check Post B.V.Palem, Tada Mandal, SPSR Nellore District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri P.Mallikarjuna, Deputy Commercial Tax Officer, Commercial Tax Department, Integrated Check Post B.V.Palem, Tada Mandal, SPSR Nellore District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri P.Mallikarjuna, Deputy Commercial Tax Officer, Commercial Tax Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf

Contd.,2

from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri P.Mallikarjuna, DCTO, Commercial Tax Department, Integrated Check Post, B.V.Palem, Tada Mandal, SPSR Nellore District (w.e, Annexures-I to IV) through the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

The Chief Commissioner of State Tax, Andhra Pradesh, Eeedpugallu, Vijayawada.

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Deputy Commissioner, Commercial Taxes, SPSR Nellore District.

SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

ARTICLE OF CHARGES FRAMED AGAINST SRI P.MALLIKARJUNA, DCTO, COMMERCIAL TAX DEPARTMENT, ADMINISTRATIVE OFFICER of ICP, BV PALEM, TADA MANDAL, SPSR NELLORE DISTRICT.

That Sri P.Mallikarjuna, DCTO, while working as Administration Officer, ICP, BV Palem, Tada Mandal while working as thus exhibited gross negligence of duty and slack supervision over her subordinates of Transport, Commercial Tax and other Departments of ICP, BV Palem and allowed them to engage six private persons for collecting mamools and also allowed the crew of the vehicles to pay the amounts as usual practice for ignoring their violations. During the surprise check on 29-12-2013 the ACB officials found usual collection of Rs.28,430/-, un accounted amount of Rs.13,020/- with one private person engaged by Incoming Commercial Tax Check Post officials and un accounted amount of Rs.5,710/- found in the premises of Transport Wing and an amount of Rs.6,300/- found behind the seats of Sri Sk. Altaf, Jr. Asst, Sri Chiranjeevi, Jr. Asst and Sri Maheswara Reddy Jr. Asst, Rs.1350/- found behind the seats of ACTO's in Incoming Check post, Rs. 1,300/- found western side door way of the Incoming Check Post. Further an excess amount of Rs.610/- found with Sri K.Balaji Singh, ACTO (declared amount is Rs.500/-, Total amount found with is Rs.1,110/-), Rs.1,900/- found behind the seats of Commercial Tax Officials in Outgoing Commercial Tax Check Post. Further an excess amount of Rs.70/- found with Sri Uddandi Srinivasa Rao, Attender of Commercial Tax Department (declared amount is Rs.420/-, Total amount found Rs.490/-).Total amount seized is Rs.59,610/- during the surprise check on 29.12.2013.

Thus, Sri P Mallikarjuna, DCTO, by the above mentioned acts has exhibited lack of integrity, devotion to duty and exhibited slack supervision over his subordinates and thereby violated Rule 3 (1) (2) & 5 of APCS (Conduct) Rules, 1964.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI P. MALLIKARJUNA, DCTO, COMMERCIAL TAX DEPARTMENT, ADMINISTRATIVE OFFICER, ICP, BV PALEM, TADA MANDAL, SPSR NELLORE DISTRICT.

That Sri P.Mallikarjuna, DCTO, Commercial Tax Department, ICP, BV Palem, Tada Mandal is a native of Nellore, SPSR Nellore Dist and he joined in Government Service on 26-02-2005 as ACTO(U/T) and promoted as Administrative Officer, ICP on 02-03-2013. His date of birth is on 15-06-1975 and date of retirement on attaining the age of superannuation is 30-06-2033. He is here-in-after referred to as Government Servant.

On credible information that the officers and staff of Integrated Check Post, B.V.Palem, Tada Mandal SPSR Nellore District are indulging in corrupt practices and collecting mamools from the crew of vehicles plying through ICP, B.V.Palem, a surprise check was conducted over transport wing, prohibition and excise wing, commercial taxes incoming and outgoing wings of ICP, B.V.Palem on 29-12-2013 from 00-30 hrs to 03-00 hrs with four teams headed by the DSP, ACB Nellore Range, Nellore in the presence of mediators. The surprise check revealed the following irregularities and violations. The officials of Transport Wing collecting mamools ranging from Rs.50/- to Rs.1,000/- from the crew of the vehicles as usual practice for ignoring the violations of M.V.Act, and other relevant acts. An unaccounted amount of Rs.21,310/-was seized in the premises of Transport Wing. The Incoming Commercial Taxes Wing officials directly collecting mamools and also engaged one private person to collect mamools ranging from Rs.20/- to Rs.200/-from crew of vehicles plying through the check post and he is found in possession of Rs.13,020/-. An unaccounted amount of Rs.1,1101- found with acto was seized. Total an unaccounted amount of Rs.31,390/- was seized in the premises of Incoming Commercial Taxes Wing. The out going Commercial Taxes wing officials collecting mamools from crew of vehicles plying through the check post ranging from Rs.20/- to Rs.300/-. An unaccounted amount of Rs.490/- found with Attender was seized. Total an unaccounted amount of Rs. 6,910/- was seized in the premises of out going Commercial Taxes Wing. Total an unaccounted amount of Rs.59,610/- was seized during the proceedings in the premises of ICP. Attendance registers/duty registers and personal cash registers and other relevant documents of ICP were seized. Individual cash register, duty charts of AMVI's and constables/attenders were seized.

As a supervisory officer and in-charge Administrative Officer of ICP, allowed the officials of ICP to collect mamools from the crew of vehicles, to commit above irregularities and failed to control his subordinates working at Integrated Check Post, B.V. Palem, Tada Mandal, SPSR Nellore District.

Thus the Govt Servant by his above-mentioned acts has exhibited lack of integrity, devotion to duty and slack supervision and thereby contravened Rule 3 (1) (2) & 5 of APCS (Conduct) Rules, 1964.

Thus the Government Servant has therefore rendered himself liable for departmental action for major penalty for his misconduct.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SRI P. MALLIKARJUNA, DCTO, COMMERCIAL TAX DEPARTMENT, ADMINISTRATIVE OFFICER, ICP, BV PALEM, TADA MANDAL, SPSR NELLORE DISTRICT.

1. Duty Register (Attendance register) of ICP, B.V.Palem.
2. Duty Register 2013, B.V.Palem Checkpost of Excise Department
3. Individual cash Register & Duty chart.
4. Personal Cash Register, 2013.
5. The Rubber stamp and ink pad relating to transport wing.
6. Rough sketch of scene of offence, Dt: 29.12.2013.
7. Mediators report drafted on 29.12.2013 for the surprise check conducted over the ICP, B.V. Palem, Tada Mandal, SPSR Nellore Dist.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE IV

LIST OF WITNESSES BY WHOM ARTICLES OF CHARGES FRAMED AGAINST SRI P.MALLIKARJUNA, DCTO, COMMERCIAL TAX DEPARTMENT, ADMINISTRATIVE OFFICER, ICP, BV PALEM, TADA MANDAL, SPSR NELLORE DISTRICT.

1. Sri Mathi Lakshmi Kanth S/o Siva Prasad, Age: 30 years, S.N. Palem, Bapulapalem Mandal, Krishna District., A.P. Eicher Vehicle No.AP 16 TD 4869.
2. Sri Nakka Nagaraju S/o Naga Bhadrachalam, Age: 24 Years, Devaragunta Village, Nuziveedu Mandal, Krishna District, A.P., Vehicle No. TN 05 AL 2183.
3. Sri Mandati Prasad S/o Guravaiah, Age: 37 Years, Caste: Yadava, R/o Dandavolu, Dakkili Mandal, SPSR Nellore Dist. Vehicle No. AP 26 TV 9396.
4. Sri Bandi Nagaraju S/o Venkateswarlu, Age: 23 Years, Caste: Vaddi, R/o Kanchikicherla Village, Veerlapati Mandal, Krishna District Vehicle No. AP 16 TY 3997.
5. Sri Shaik Rafi S/o Abdul Razzak, Age: 25 Years, Muslim, R/o lnkollu Road, Parchur Village, Parchur Mandal, Prakasam Dist, Vehicle No. CG 04 JC 9244.
6. Sri Bhupathi Venkateswara Rao S/o Bhupathi, Age: 36 Years, Caste: Balija, Opp: Yadava High School, Old Guntur, Guntur District. Profession: Lorry Cleaner, Vehicle No. AP 07 X 5469.
7. Katuri Srinivasa Rao S/o Sambasiva Rao, Age: 22 Years, Caste: Gowda, Kuchinapudi Village, Nizampatnam Mandal, Guntur District, Profession: Lorry Cleaner, Vehicle No. AP 27 TU 2439.
8. Sri Alumula Venkateswarlu S/o Raghu Ramaiah, Age: 35 Years, Caste: Kapu, Gapavaram Village, Nidamarru Mandal, West Godavari District, Profession: Lorry Cleaner, Vehicle No. AP 27 TT 8799.
9. Sri Bollepalli. Purnachand, S/o Venkaiah, Age: 36 Years, Deputy Executive Engineer, Irrigation & CAD Department, SE Construction Circle, Ongole, Prakasam District (Mediator).
10. Sri Thondamalli. Venkata Ramana, S/o Venkataiah, Age: 46 Years, Assti. Executive Engineer, Irrigation & CAD Department, SE Construction Circle, Ongole, Prakasam District. (Mediator)
11. Sri Yelchuri Ramanjaneyulu S/o Venkateswarlu, Age: 32 Years, O/o SE Construction Circle, Ongole, Prakasam District. (Mediator)
12. Sri Tappetla. Anka Babu, S/o Venkataiah, Age: 30 Years, Jr. Asst. Irrigation & CAD Dept, SE Construction Circle, Ongole, Prakasam Dist. (Mediator)
13. Sri.K.Venkateswarlu, Inspector of Police, ACB, Nellore.
14. Sri.M. Krupanandam, Inspector of Police, ACB, Nellore.
15. Sri. T.V. Srinivasa Rao, Inspector of Police, ACB, Nellore.
16. Sri.J.Bhaskara Rao, DSP, ACB, Nellore.

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER